

[BURMA ACT NO. XXXIX OF 1946.]

An Act further to amend the Burma Court Fees Act.

WHEREAS it is expedient to amend the Burma Court Fees Act to make an addition to the public revenues of Burma and for that purpose to revise the scales of stamp duty on certain Articles in Schedules I and II of the said Act,

AND WHEREAS by a Proclamation, dated the tenth day of December, 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935 (26 Geo. 5, c. 3) in the Legislature or in either Chamber thereof ;

NOW, THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows :—

1. (1) This Act may be called the Burma Court Fees (Amendment) Act, 1946.

(2) It extends to the whole of British Burma.

(3) It shall come into force on the 1st November 1946.

2. For the fees chargeable under numbers 1, 6, 7, 8 (b), 9, 11, 12 and 14 of Schedule I, the following *shall be substituted*, namely :—

Number.		Proper fee.
1. Plaint written statement pleading a set off or counter claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3.	When the amount of value of the subject-matter in dispute does not exceed five rupees.	Eight annas.
	When such amount or value exceeds five rupees, for every five rupees or part thereof in excess of five rupees, up to one hundred rupees.	Eight annas.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	One rupee.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Seven rupees and eight annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Fifteen rupees.

Price,—Two annas.]

1. Plaint written statement pleading a set off or counter claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3.— <i>concl'd.</i>	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees. When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees. When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees. When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees. Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be five thousand rupees.	Twenty-two rupees and eight annas. Thirty rupees. Thirty rupees. Thirty-seven rupees and eight annas.
6. Copy or translation of a judgment or order not being, or having the force of a decree.	When such judgment or order is passed by any Civil Court other than the High Court, or by the presiding officer of any Revenue Court or office or by any other Judicial or Executive authority— (a) If the amount or value of the subject-matter is fifty or less than fifty rupees. (b) If such amount or value exceeds fifty rupees.	Eight annas. One rupee.
7. Copy of a decree or order having the force of a decree.	When such judgment or order is passed by the High Court When such decree or order is made by any Civil Court other than the High Court, or by any Revenue Court— (a) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees. (b) If such amount or value exceeds fifty rupees.	Two rupees. One rupee. Two rupees.
8. Copy of any document liable to stamp-duty under the Burma Stamp Act, when left by any party to a suit or proceeding in place of the original withdrawn.	When such decree or order is made by the High Court. (b) In any other case	Eight rupees. One rupee.

9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any civil or criminal or revenue Court or Office, or from the office of any chief officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	One rupee.
11. Probate of a will or letters of administration with or without will annexed.	<p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed ten thousand rupees.</p> <p>When such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees.</p> <p>When such amount or value exceeds fifty thousand rupees.</p> <p>Provided that when, after the grant of a succession certificate in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.</p>	<p>Three <i>per centum</i> on such amount or value.</p> <p>Four <i>per centum</i> on such amount or value.</p> <p>Five <i>per centum</i> on such amount or value.</p>
12. Succession certificate.	In any case ...	<p>Three <i>per centum</i> on the amount or value of any debt or security specified in the certificate and five <i>per centum</i> on the amount or value of any debt or security to which the certificate is extended.</p> <p>NOTE.—(1) The amount of a debt is its amount including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.</p>

12. Succession certificate — <i>concl.</i>		(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for so far as such value can be ascertained.
14. Application to the High Court for the exercise of its revisional jurisdiction.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees. When such amount or value exceeds twenty-five rupees.	Three rupees. The fee leviable on a memorandum of appeal.

3. For the fees chargeable under numbers 1 (a), 1 (b), 1 (c), 1 (d), 1 A, 2, 3 (a), 3 (b), 5, 6, 7, 10 (a), 10 (b), 10 (c), 11 (a), 11 (b), 12, 14, 17, 18, 19, 20 and 21 of Schedule II, the following *shall be substituted*, namely :—

Number.		Proper fee.
1. Application or petition	(a) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings ;	Two annas.

1. Application
petition—concl'd.

or when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement ;
or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement ;
or when presented to any civil Court other than a principal civil Court of original jurisdiction, or to any Court of Small Causes or to a Collector or other Officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees ;
or when presented to any civil, criminal or revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.
(b) When containing a complaint or charge of any offence other than an offence for which Police officers may, under the Code of Criminal Procedure, arrest without warrant, and presented to any criminal Court ;
or when presented to a civil, criminal or revenue Court, or to a Collector, or any Revenue-Officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act ;
or to deposit in Court revenue or rent ;
or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant ;
or when containing a request for the issue or renewal of a licence under the rules made under the Petroleum Act.
(c) When presented to the Financial Commissioner or Chief Executive Authority or a Commissioner.
(d) When presented to the High Court.

Twelve annas.

One rupee and eight annas.

Three rupees.

1. Application to any Civil Court that records may be called for from another Court	when the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	One rupee and eight annas in addition to any fee levied on the application under clause (a), clause (b) or clause (d) of Article I of this Schedule.
2. Application for leave to sue as a pauper.	.....	Twelve annas.
3. Application for leave to appeal as a pauper.	(a) When presented to a District Court. (b) When presented to a Commissioner or the High Court.	One rupee and eight annas. Three rupees.
5. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	.....	Twelve annas.
5. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, or the Code of Civil Procedure, and not otherwise provided for by this Act.	.....	Twelve annas.
7. Undertaking under section 49 of the Burma Divorce Act.	.....	Twelve annas.
10. Authority to plead or act for another person.	When presented for the conduct of any one case— (a) to any Civil or Criminal Court other than the High Court, or to any Revenue Court, or to any Collector or Magistrate, or other Executive Officer, except such as are mentioned in clause (b) and (c) of this number, (b) to a Commissioner of Revenue, or Customs, or to any officer charged with the executive administration of a division, not being the Chief Revenue or Executive Authority, (c) to the High Court, Financial Commissioner or other Chief Executive Authority.	Twelve annas. One rupee and eight annas. Three rupees.

<p>11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented.</p>	<p>(a) To any Civil Court other than the High Court, or to any Revenue Court or Executive Officer other than the High Court or Financial Commissioner or other Chief Executive Authority, (b) to the High Court, Financial Commissioner or other Chief Executive Authority.</p>	<p>Twelve annas. Three rupees</p>
<p>12. Caveat.</p>	<p>.....</p>	<p>Seven rupees and eight annas.</p>
<p>14. Petition in suit under the Native Converts' Marriage Dissolution Act.</p>	<p>.....</p>	<p>Seven rupees and eight annas.</p>
<p>17. Plaintiff's memorandum of appeal in each of the following suits :— (i) To alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court; (ii) To alter or cancel any entry in a register of the names of proprietors of revenue paying estates ; (iii) To obtain a declaratory decree where no consequential relief is prayed ; (iv) To set aside an award ; (v) To set aside an adoption ; (vi) Every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act.</p>	<p>.....</p>	<p>Fifteen rupees.</p>

3. Application under Schedule II of the Code of Civil Procedure.	.....	Fifteen rupees.
9. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure.	.....	Fifteen rupees.
10. Every petitioner under the Burma Divorce Act, except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.	.....	Thirty rupees.
1. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act.	.....	Thirty rupees.

4. The words "out the figure head" in section 30 *shall be deleted*.